

**THE WHITE HOUSE OFFICE
REFERRAL**

June 06, 2011

TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION COMMENTS:

ACTION REQUESTED: APPROPRIATE ACTION

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1056473

MEDIA: LETTER

DOCUMENT DATE: May 25, 2011

TO: PRESIDENT OBAMA

FROM: THE HONORABLE MITCH MCCONNELL
UNITED STATES SENATE
WASHINGTON, DC 20510

SUBJECT: EXPRESS THEIR CONCERNS WITH THE ADMINISTRATION'S PROPOSED RULE TO
COAL COMBUSTION RESIDUES (CCRs) INCLUDING ASH AND OTHER
COMBUSTION BYPRODUCTS TO TREATMENT AS EITHER HAZARDOUS OR NON-
HAZARDOUS WASTE SUBSTANCES

COMMENTS:

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500
FAX A COPY OF RESPONSE TO: (202) 456-5881**

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED: June 01, 2011

CASE ID: 1056473

NAME OF CORRESPONDENT: THE HONORABLE MITCH MCCONNELL

SUBJECT: EXPRESS THEIR CONCERNS WITH THE ADMINISTRATION'S PROPOSED RULE TO COAL COMBUSTION RESIDUES (CCRs) INCLUDING ASH AND OTHER COMBUSTION BYPRODUCTS TO TREATMENT AS EITHER HAZARDOUS OR NON-HAZARDOUS WASTE SUBSTANCES

ROUTE TO:
AGENCY/OFFICE

(STAFF NAME)

ACTION

DISPOSITION

CODE

DATE

**TYPE
RESPONSE**

CODE

**DATE
COMPLETED**

LEGISLATIVE AFFAIRS

ROB NABORS

ORG

06/01/2011

ACTION COMMENTS:

✓ EPA

A 6/6/11

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS: 1 ADDL SIGNEE

MEDIA TYPE: LETTER

USER CODE:

ACTION CODES		DISPOSITION		
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK D = DRAFT RESPONSE I = INFO COPY/NO ACT NECESSARY R = DIRECT REPLY W/ COPY ORG = ORIGINATING OFFICE	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	TYPE RESPONSE		COMPLETED DATE
		DISPOSITION CODES A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY		DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES

REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590

SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 85, EEOB.

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1056473

United States Senate
WASHINGTON, DC 20510

May 25, 2011

The Honorable Barack Obama
The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500-0005

Dear President Obama:

We write to express our concerns with the Administration's proposed rule to subject coal combustion residues (CCRs), including coal ash and other combustion byproducts, to treatment as either hazardous or non-hazardous waste substances.

On June 21, 2010, the Environmental Protection Agency (EPA) proposed two regulatory options to manage CCRs. The first would employ the EPA's existing authority to classify CCRs as hazardous waste and regulate it under standards established under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The second option would establish regulations applicable to Coal Combustion Waste (CCW) disposal units under RCRA's Subtitle D solid waste management requirements.

In Kentucky, the coal industry employs 18,000 people, brings in more than three and a half billion dollars from out of state, and pays more than one billion dollars in direct wages each year. Kentucky is the third largest coal producing state and our low electricity rates due to coal allow us to produce a large share of the nation's stainless steel, aluminum, automobiles, and many other manufactured goods. The importance of coal to our nation's economy and security cannot be overstated.

In November, the public comment period concluded on the EPA's proposed rulemaking for the regulation of CCRs. Since then, members of the coal industry have expressed deep concern with any regulation of CCRs by the EPA, especially regulation under standards established under RCRA's Subtitle C. Under Subtitle C, a hazardous waste designation would create serious economic consequences for utilities, result in the loss of high-paying jobs in coal ash reuse businesses, and create a critical shortfall in hazardous waste disposal capacity.

The mining industry has been proactive in finding ways to reuse CCRs in mine reclamation projects, which has been previously recognized and promoted by both the National Academy of Sciences and the EPA, as desirable in appropriate circumstances. Despite the jobs and innovation that the beneficial reuse industry has created, the EPA is proposing to classify CCRs as hazardous waste without adequately investigating the implications of the classification on the coal industry. Finalizing a rule regulating CCRs under Subtitle C would permanently damage its

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beneficial use market. Although we believe any regulation of CCRs by the EPA would be overreach by the department, we agree with Kentucky's industry experts who deem regulation of CCRs under Subtitle D as less detrimental to the industry.

Thank you very much for your consideration of this important matter. We look forward to your response and to working with you to address this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch McConnell", written over a horizontal line.

MITCH McCONNELL
UNITED STATES SENATOR

A handwritten signature in black ink, appearing to read "Rand Paul", written over a horizontal line.

RAND PAUL
UNITED STATES SENATOR